

Attorney Docket No.: **MGU-0025**  
Inventors: **Damha et al.**  
Serial No.: **10/748,475**  
Filing Date: **December 30, 2003**  
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#### **REMARKS**

Claims 11-19 are pending in the instant application. Claims 11-18 have been rejected for the reasons of record. Claim 19 has been objected to. Claims 11-19 have been canceled. Claim 20 has been added. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the following remarks.

#### **I. Election/Restriction Requirement Under 35 U.S.C. §121**

The Examiner has indicated that the nucleotide sequences recited in claims 12-19 are mutually exclusive because each composition comprising SEQ ID NO:2 and 9 comprise distinct nucleotide sequences. Thus, the restriction of the claims 12-19 into Groups I and II has been deemed proper and made final. While not specifically indicated, Applicants will assume for the sake of expediting the prosecution of this application that the Examiner has withdrawn SEQ ID NO:9 from consideration. Accordingly, Applicants have removed reference to SEQ ID NO:9 without prejudice, reserving the right to file continuing applications for the canceled subject matter.

#### **II. Rejection of Claims**

Claims 11-18 remain rejected under 35 U.S.C. 112, first paragraph, and under 35 U.S.C. 103(a) for the reasons of record in the Office Action mailed April 17, 2007 and in the Advisory Action mailed August 7, 2007. While Applicants respectfully disagree with the Examiner's assertions for rejecting the claims under 35 U.S.C. 112, first paragraph, and the conclusions concerning the teachings of the cited documents applied in the

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obviousness rejection of record, Applicants have canceled claims 11-18 in an earnest effort to facilitate the allowance of the subject matter of claim 19. In light of this amendment, it is respectfully requested that the rejection of claim 11-18 under 35 U.S.C. 112, first paragraph, and 35 U.S.C. 103(a) be withdrawn.

### **III. Objection of Claims**

Claim 19 has been objected to as being dependent upon a rejected base claim and reciting non-elected subject matter, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim and deleting non-elected subject matter. Accordingly, Applicants have canceled claim 19 and added new claim 20, which recites the subject matter of claim 19 including all the limitations of base claim 11. In light of this amendment, allowance of new claim 20 is earnestly solicited.

### **IV. Conclusion**

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly,

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favorable reconsideration and subsequent allowance of the pending claim is earnestly solicited.

Respectfully submitted,



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